

REMARKS

Claims 85-100 are pending in this application. By this Amendment, claim 85 is amended. Support for the amendment to claim 85 may be found at least at Fig. 7 of Applicant's disclosure. No new matter is added. A Request for Continued Examination is attached. Reconsideration of the application in view of the above amendment and the following remarks is respectfully requested.

Applicant appreciates the courtesies shown to Applicant's representatives by Examiner Steitz during the January 7 telephone interview. Applicant's separate record of the substance of the telephone interview is incorporated into the following remarks.

The Office Action, on page 2, rejects claims 85-100 under 35 U.S.C. §103(a) over JP-A-63-17031 of Kogyo in view of CN 1270786 to Gueret. This rejection is respectfully traversed.

Claim 1 recites, among other features, a receptacle comprising: at least two containers each defining a housing, each housing containing only one product, and configured in such a manner so as to be superposable on a stacking axis, wherein each container, except for a bottom container along the stacking axis, comprises a bottom wall with a lip extending downward from the bottom wall configured to cooperatively overlap with an inside surface of the container below it.

Kogyo is directed to receptacles for cosmetics that are stacked on top of each other (Abstract). The Office Action asserts that Kogyo teaches many of the features recited in independent claim 85. The Office Action concedes that Kogyo fails to teach a receptacle body containing a substance with an applicator member secured to the receptacle body during application of the substance, with a closure cap that is configured to be removably fixed to the receptacle body wherein the receptacle body is of a different shape than the containers. Rather, the Office Action relies on Gueret to make up for this shortfall.

Gueret is directed to an applicator that comprises a support that is configured to allow the applicator to be engaged with a container containing a first product, in the form of a gel, cream or liquid in an application member on the support (Abstract). The Office Action asserts that it would have been obvious to one of ordinary skill to make the bottom of the lowest container of Kogyo such that it may form a closure cap to another receptacle and fit it to such a receptacle in view of Gueret in order to provide a device with a means for containing a different type of cosmetic. The analysis of the Office Action fails for at least the following reason.

Kogyo cannot reasonably be relied upon in the manner the Office Action suggests. Specifically, Kogyo cannot be considered to have suggested the recited lip that extends downward from the bottom wall. Element 12 in Kogyo is not a lip, but rather is described, in Kogyo, as a hole for engaging hinge pins 8. Kogyo illustrates in Fig. 20 that hinge pins 8 are installed within mounting holes 13. Kogyo also describes element 12 as engagable mounting holes. Because element 12 is merely a mounting hole, element 12 in Kogyo cannot be considered to correspond to the claimed lip that extends downward from the bottom wall. Gueret fails to make up for this shortfall.

For at least the foregoing reason, no combination of Gueret with Kogyo would have rendered obvious the combination of features recited in independent claim 85. Further, dependent claims 86-100 would also not have been rendered obvious for at least the dependence of these claims on independent claim 85, as well as for the subject matter that each of these claims recites.

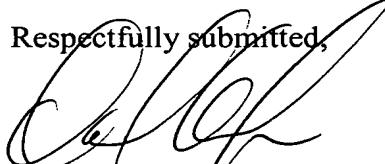
Accordingly, reconsideration and withdrawal of the rejection of claims 85-100 under 35 U.S.C. §103(a) are respectfully requested.

Applicant's representatives presented the above arguments to Examiner Steitz during the telephone interview. The Examiner indicated that amending the claims in the manner

discussed above would be helpful in overcoming the current rejections. The Examiner indicated that she would consider Applicant's position upon submission of a formal response.

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 85-100 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number set forth below.

Respectfully submitted,

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Attachment:

Request for Continued Examination

Date: January 22, 2010

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